## Before the **Federal Communications Commission** Washington, D.C. 20554

In the Matter of	)	
	)	
Amendment of Section 73.622(i),	)	MB Docket No. 11-4
Post-Transition Table of DTV Allotments,	)	RM-11616
Television Broadcast Stations.	)	
(El Paso, Texas)	)	
	)	

## REPORT AND ORDER (Proceeding Terminated)

Adopted: March 21, 2011 Released: March 22, 2011

By the Chief, Video Division, Media Bureau:

- The Commission has before it a Notice of Proposed Rulemaking<sup>1</sup> issued in response to a 1. petition for rulemaking filed by Comcorp of El Paso License Corp. ("Comcorp"), the licensee of KTSM-TV, channel 9, El Paso, Texas. Comcorp requests the substitution of channel 16 for channel 9 at El Paso. Comcorp filed comments reaffirming its interest in the proposed channel substitution. No other comments were received.
- We believe the public interest will be served by substituting channel 16 for channel 9 at El Paso. Comcorp states that this channel substitution is necessary because KTSM-TV has "experienced significant technical difficulties" since the station terminated its analog service and transitioned to posttransition channel 9.<sup>2</sup> Comcorp explains that a sizeable number of the KTSM-TV's pre-transition viewers lost KTSM-TV over-the-air service when the station transitioned to channel 9.3 As a result of this coverage loss, Comcorp "received authority in July 2009 to resume DTV operations on its pre-transition channel 16 facilities." Comcorp concludes that through "extensive comparative testing," it believes that "[c]hannel 16 allows for better broadcast service to the public than the currently allotted [c]hannel 9." Comcorp also notes that operation on channel 16 "is not predicted to cause impermissible interference and complies with

<sup>&</sup>lt;sup>1</sup> El Paso, Texas, 26 FCC Rcd 306 (Vid. Div. 2011).

<sup>&</sup>lt;sup>2</sup> Comcorp Petition for Rulemaking at 1-2.

<sup>&</sup>lt;sup>3</sup> *Id.* at 2.

<sup>&</sup>lt;sup>4</sup> *Id*.

<sup>&</sup>lt;sup>5</sup> *Id*.

the Commission's other rules and policies."6

Channel 16 can be substituted for channel 9 at El Paso, Texas, as proposed, in compliance with the principal community coverage requirements of Section 73.625(a) of the Commission's rules, at coordinates 31-48-19 N. and 106-28-59 W.7 In addition, we find that this channel change meets the technical requirements set forth in Sections 73.616 and 73.623 of the Commission's rules with the following specifications:

City and State	Channel	Power (kW)	Antenna HAAT (meters)	Service Pop. (thous.)
El Paso, Texas	16	250	577	851

4. Accordingly, pursuant to the authority contained in Sections 4(i), 5(c)(1), 303(g) and (r) and 307(b) of the Communications Act of 1934, as amended, and Sections 0.61, 0.204(b) and 0.283 of the Commission's rules, IT IS ORDERED, That effective 30 days after date of publication of this Report and Order in the Federal Register, the DTV Table of Allotments, Section 73.622(i) of the Commission's rules, IS AMENDED, with respect to the community listed below, to read as follows:

City and State	Channel Nos.
El Paso, Texas	7, *13, 15, 16, 18, 25, *39, 51

- 5. IT IS FURTHER ORDERED, That within 45 days of the effective date of this Order, Comcorp of El Paso License Corp. shall submit to the Commission a minor change application for a construction permit (FCC Form 301) specifying channel 16 in lieu of channel 9.
- 6. The Commission will send a copy of this Report and Order in a report to be sent to Congress and the Government Accountability Office pursuant to the Congressional Review Act, see 5 U.S.C. § 801(a)(1)(A).
  - 7. IT IS FURTHER ORDERED, That this proceeding IS TERMINATED.

<sup>&</sup>lt;sup>6</sup> *Id*.

<sup>&</sup>lt;sup>7</sup> The proposed facility is located within the Mexican coordination zone, and the Mexican government has concurred with this allotment.

8. For further information concerning the proceeding listed above, contact Adrienne Y. Denysyk, Media Bureau, (202) 418-1600.

FEDERAL COMMUNICATIONS COMMISSION

Barbara A. Kreisman Chief, Video Division Media Bureau